



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036-5869

TN01/1121

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/311,557	05/14/99	107	PATEL, J	2154 11/21/00
First Named Applicant	ALATA, 35 USC 154(b) term ext. = 0 Days.			
TITLE OF INVENTION	METHOD AND SYSTEM FOR CONTROLLING THE INITIATION AND DURATION OF OVERTIME INTERVALS IN ELECTRONIC AUCTIONS			

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	046700-5004-	705-037.000	V39 UTILITY	YES	\$620.00	02/21/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

# Notice of Allowability

Application No.  
09/311,557

Applicant(s)  
Alaila et al.

Examiner  
Jagdish Patel

Group Art Unit  
2765



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment filed 11/1/00.

☒ The allowed claim(s) is/are 9-33, 89-138, 142-157, and 161-176.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 6.

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit: 2164

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to the applicant's amendment filed 11/1/00.
2. Claims 142-144, 146-148, 150, 152-157 and 161-163, 165-167, 169, 171-176 have been amended per request and claims 139-141 and 158-160 have been canceled. Claims 9-33, 89-138, 142-157 and 161-176 are under consideration.

### ***Allowable Subject Matter***

3. Claims 9-33, 89-138, 142-157 and 161-176 are allowed.

The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to a method or apparatus for controlling the initiation and duration of overtime intervals in an electronic auction. The following are the most relevant exemplary references pertinent to the claimed inventions:

Fisher et al. (US Pat. 5,835,896) teaches a method and system for processing and transmitting electronic auction information. Fisher et al. fail to address the problem of controlling initiation and duration of overtime intervals.

Walker et al. (US Pat. 5,794,207) teaches a bilateral buyer-driven auction. Walker et al. do not teach or suggest a method of controlling initiation and duration of overtime intervals..

Odom et al. (US Pat. 6,058, 379) teaches a method of electronic exchange of goods and services via an electronic network. Odom et al. fail to teach or suggest control of overtime intervals.

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Sairamesh et al ("Economic Framework for pricing and Charging Digital Libraries", D-Lib Magazine, February 1996) teaches that prices and services are offered various time-intervals comprising different opening time and closing times. It fails to teach specific mechanisms for controlling overtime intervals.

"SOLD! ... TO THE LOWEST BIDDER, Computer Finance, v6, n2, July 1995. This article teaches a method of conducting an online auction between a buyer and a plurality of potential sellers (suppliers) in a format known as RATS ( Reverse Auction Tendering System), however it does not teach or suggest a method of controlling overtime intervals.

#### *Reasons for Allowance*

4. Claims 9-33, 89-138, 142-157 and 161-176 are allowed because the identified most relevant prior art of record fails to teach or suggest a method, a machine readable medium or a system of controlling overtime intervals in an electronic auction having multiple lots which comprises the unique feature recited in the respective claims as listed below:

--offering a plurality of lots by a buyer to a plurality of potential sellers and defining an overtime extension parameter for each of the plurality of lots based upon the characteristics of one or more items in the lot (claims 9-12, 89-92 and 93-96),

--extending the closing time for a lot by a predetermined time interval if a received bid for the lot satisfies at least one behind-market bid lot extension criteria (claims 13-33 and 97-138),

--defining a first time interval, a second time interval, a first overtime condition and a first closing time for a first lot :

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-wherein the first time interval is an overtime trigger interval representing a time interval during which an overtime condition can cause extension of a closing time (claims 142,161),

-wherein the second time interval is an overtime extension interval representing a time interval to extend the first time interval (claims 143,162),

-wherein the overtime condition comprises receiving a plurality of bids and assigning an ordinal rank to each bid from a best bid to a worst bid and receiving a bid having an ordinal rank that is within a predefined number of rank ordinal position (claims 144, 145,163 and 164),

wherein the overtime condition comprises receiving a plurality of bids and ordering each bid from a best bid price to a worst bid price and receiving a bid having a bid price within a predefined price of the best bid price (claims 146, 165 ) or other than the best bid price (claims 157,176),

wherein the overtime condition comprises receiving a plurality of bids and ordering each bid from a best bid price to a worst bid price and receiving a bid having a bid price within a predefined percentage of the best bid price (claims 147,166),

wherein the overtime condition comprises receiving a bid from a predefined bidder (claims 148, 149,167 and 168),

wherein the overtime condition comprises receiving a first set of bids and determining first frequency for the first set of bids (claims 150, 151, 169 and 170),

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wherein the overtime condition comprises generating a statistical analysis parameter for the received bid(s) and matching the statistical analysis parameter with a predefined statistical analysis parameter (claims 152, 153, 171 and 172),.

modifying at least one of the first time interval, second time interval and first overtime condition to extend the first closing time (claims 154, 173),

defining a third time interval, a fourth time interval, a second overtime condition and a second closing time for a second lot (claims 155, 174),

wherein first lot comprises of a custom industrial product or material and the overtime condition is defined in accordance with custom industrial product or material (claims 156, 175).

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP: 11/16/00

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

part of PAPER #8

Copies of the listed documents were previously submitted or cited in co-pending parent Application No. 09/252,790, filed February 19, 1999. Thus, under 37 C.F.R. § 1.98(d) copies of the listed documents are not required to be provided. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

Applicants also bring to the attention of the Examiner the following applications with a common assignee, and request consideration of the applications and any and all references therein.

	<u>Application No.</u>	<u>Filing Date</u>
DM	09/252,790	February 19, 1999
DF	09/282,156	March 31, 1999
DF	09/282,157	March 31, 1999
DF	09/282,158	March 31, 1999
DF	09/311,555	May 14, 1999
DF	09/311,556	May 14, 1999
DF	09/311,558	May 14, 1999
DF	09/311,559	May 14, 1999
DF	09/311,582	May 14, 1999
DF	09/327,600	June 8, 1999
DF	09/490,867	January 24, 2000
DF	09/490,868	January 24, 2000
DF	09/490,877	January 24, 2000

Date considered  
11-17-00

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Attach to O.A. paper #13

**ATTACHMENT TO AND MODIFICATION OF**  
**NOTICE OF ALLOWABILITY (PTO-37)**

*(November, 2000)*

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION**, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored<sup>1</sup>:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

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<sup>1</sup> The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 *Fed. Reg.* 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 *Off. Gaz. Pat. Office* 77, 99, 110, 135, 139 (September 19, 2000).